

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TANDRA M. JARAMILLO,

Plaintiff,

vs.

CV 15-722 WPL

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,**

Defendant.

**ORDER GRANTING STIPULATED MOTION FOR AWARD OF ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

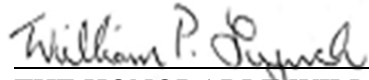
THIS MATTER having come before the Court on the parties' Stipulated Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [Doc. 29], the Court FINDS that the MOTION should be GRANTED.

IT IS THEREFORE ORDERED THAT the motion is GRANTED and **Plaintiff is awarded \$3,500.00 in attorney fees** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). *See Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. The parties further agree that the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

IT IS FURTHER ORDERED THAT if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "William P. Lynch", is written over a horizontal line.

THE HONORABLE WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE

Submitted By:

s/ Jennifer A. Randall

Jennifer A. Randall

Attorney for Defendant

Email Approval on 6/16/2016

Francesca MacDowell

Attorney for Plaintiff